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Q&A: EU-U.S. relations and the war on terror

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In response to media reports that the United States is detaining top al-Qaeda suspects in secret prisons in eight countries, including Romania and Poland, European officials have launched a series of investigations. These moves follow a spate of stories in Europe alleging that the Central Intelligence Agency (CIA) is ferrying terrorist suspects by air between the so-called black sites and countries in the Middle East that regularly torture detainees. The allegations have deepened dismay among European Union (EU) members over Washington's conduct leading up to the Iraq war, which was widely unpopular in Europe, as well as over revelations of torture in U.S.-run facilities inside Iraq and Afghanistan.

What, exactly, is being alleged?

Media reports suggest that aircraft operated by the CIA have been spotted at airports in Finland, Germany, Hungary, Iceland, Italy, Poland, Portugal, and Spain and that these planes were used to carry terrorist suspects and other detainees. There is little doubt that planes operated by the CIA flew through and stopped over in Europe since airport records that note flight plans and identification numbers are publicly available. At issue for the Europeans is whether these flights are a breach of international law and whether local intelligence agencies were aware of--or even complicit in--the operations that many allege involved human rights violations.

The allegations are part of a continuing debate between the U.S. and European governments on the practice of "extraordinary renditions," CIA jargon for arresting or even abducting suspected terrorists on foreign soil and then transferring them to countries or sites where they might face torture. British Foreign Minister Jack Straw, who supported the U.S. war in Iraq, wrote to Washington on behalf of the European Union (EU) formally asking for clarification on the policy--specifically raising the issue of covert prisons in Eastern Europe and CIA airplanes stopping in European bases, which may be in violation of international law. Secretary of State Condoleezza Rice will address Straw's letters and European concerns during a four-nation tour of Europe.

What has been the U.S. response?

In her December 5 briefing to journalists before leaving for Europe, Rice was careful to note that interrogations of terror suspects have produced intelligence that helped "save European lives." Rice also defended the legality of U.S. tactics against stateless "enemy combatants" and reminded Europe that terrorism is a global threat. "We share intelligence that has helped protect European countries from attack," she said. Rice added that the United States does not permit, tolerate, or condone torture under any

circumstances, but defended rendition as a "lawful weapon" for taking "terrorists out of action" and saving lives. She made no reference to secret prisons. According to Charles Kupchan, the Council on Foreign Relations' director for Europe studies, Rice has taken a "relatively tough line" with the Europeans and seems to be saying, "You need to choose whether you're with us or against us on this question."

The administration's critics in Europe, however, say Rice's reassurances and defense of U.S. treatment of terror suspects are undermined by memories of prisoner-abuse scandals at Abu Ghraib, Guantanamo Bay, and Baghram, a U.S. facility in Afghanistan. The White House's opposition to congressional anti-torture legislation proposed by Senator John McCain (R-AZ) has further undermined Rice's defense of U.S. policies, experts say.

What are Europe's objections to the U.S. treatment of terror suspects?

The controversy touches on a broader European discomfort with the Bush administration's approach to countering terrorism. Experts say the outrage over the clandestine prisons and secret flights stems from two broader issues plaguing transatlantic relations: Europe's discontent with Washington's unwillingness to grant due process to terror suspects and making assurances that these suspects' human rights were not violated. News reports indicate the United States has captured more than 100 terrorism suspects since 9/11 and rendered them to detention centers or third countries, some of which are known to practice torture. Experts say both issues--due process and the alleged use of torture--contradict European norms on human rights.

What actions have European governments and courts taken?

Currently, there are at least six investigations into alleged CIA flights in various countries, as well as a Council of Europe inquiry on allegations of secret prisons in Eastern Europe. Lead investigator for the Council of Europe probe, Swiss Senator Dick Marty, has asked for data from the European air traffic control agency and requested images from the EU's satellite center for images that might indicate the construction of detention facilities at Polish and Romanian military bases. Poland, already an EU member, and Romania, currently petitioning for EU membership, deny their involvement in the alleged U.S. clandestine prison network.

The investigations are putting pressure on governments across Europe. Most notably, EU Justice and Home Affairs Commissioner Franco Frattini warned November 28 that any EU member found guilty of participating in the CIA's alleged conduct would lose its voting rights. While this threat has been dismissed as hyperbole by some, Frattini notes that secret prisons would violate the European Convention on Human Rights.

European human rights groups and opposition parties are also demanding assurances from their governments that their officials were not involved in secret U.S. rendition plots. The prison reports are "ammunition for the opposition, a gift to the anti-Americans," says Guillaume Parmentier, director of the Paris-based French Center on the United States. In Italy, prosecutors are charging twenty-two Americans with the kidnapping of Islamic militant Hassan Mustafa Osama Nasr in February 2003 and "rendering" him to Egypt. Some skeptics claim Prime Minister Silvio Berlusconi may have been complicit as well. "Someone knew," said Daria Pesce, lawyer for one of the CIA station chiefs in Milan, in a November interview with the **New York Times**. "I don't think that it is possible that an American comes into Italy and kidnaps someone. It seems really unlikely."

What does this mean for EU-U.S. relations?

The news about U.S. rendition operations in Europe "plays into the Europeans' worst fears about the Bush administration," says John Glenn, director of foreign policy at the German Marshall Fund of the United States. On the one hand, the renditions allegations against the United States--which remain speculative and without hard evidence--have reinvigorated already-strong anti-war, anti-American sentiment, experts say. "Even in places [in Europe] where governments have been supportive, the populations have been opposed to American actions," says James Goldgeier, adjunct senior fellow for Europe studies at the Council on Foreign Relations.

On the other hand, "neither side is looking for another bloody nose," Kupchan says. "If the European [governments] had their way, this issue would quietly disappear, but there is a lot of public outrage about it." The accusations of rendition come at a time when the United States and the European Union have made a concerted effort to improve transatlantic ties. Experts say that in his second term President Bush has been much more concerned with European partners, and there has been concrete cooperation on a host of important issues, including the administration's Middle East policy.

Additionally, many European governments are reluctant to push Washington on the rendition charges for fear their own intelligence agencies' cooperation with CIA operations will be revealed. Opposition parties and the media in many European countries are seizing this opportunity to criticize their governments. In Germany, where newly elected Chancellor Angela Merkel campaigned on the promise to improve transatlantic ties, the opposition has demanded an explanation for a list of at least 437 U.S. flights and landings in German territory.

Will this controversy hurt EU-U.S. intelligence-sharing operations?

The intelligence-sharing relationship has remained quite strong since the 9/11 attacks, despite political discord over the unpopular war in Iraq, experts say. But renditions could pose a real political obstacle to future collaborative intelligence operations. Little is publicly known about the nature and frequency of U.S. renditions. Some of the more politicized cases include Lebanese national Khaled el-Masri, a German citizen, who claims he was picked up by Macedonian authorities in Skopje and turned over to U.S. officials in Afghanistan, where Rice has admitted he was wrongfully detained for five months. German prosecutors are currently investigating the possibility that former German Interior Minister Otto Schily knew of Masri's abduction. In December 2001, Swedish police handed two Egyptian nationals over to U.S. agents, who rendered the men to their home country. Sweden's security police, in response to public outrage over the renditions, have since promised never to allow foreign agents control over an intelligence operation on Swedish soil.

The political fallout from questionable renditions in Italy, Sweden, and Germany has made it more difficult for these countries to cooperate in future counterterrorism exercises with U.S. intelligence. "It's at least conceivable," Kupchan says, "that this row could, to some extent, be a setback on the intelligence and law-enforcement front and make the parties more reluctant to share information."